

RESOLUTION NO 75356

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE
APPROVING THE APPOINTMENT OF LADORIS CORDELL AS
INDEPENDENT POLICE AUDITOR WITH A TERM STARTING MAY
17, 2010 AND ENDING DECEMBER 31, 2012, AND THE TERMS OF
COMPENSATION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN JOSE:

1. That the appointment of LaDoris Cordell as the City of San José's Independent Police Auditor for a term starting May 17, 2010 and ending December 31, 2012 and the terms of compensation are hereby approved.
2. The general terms of compensation are set out and described in the memorandum to the Rules Committee from Mayor Chuck Reed, dated April 15, 2010, attached hereto as Attachment A, and incorporated in this Resolution. The July 1, 2008 through June 30, 2009 Executive Management and Professional Employees (Unit 99) Benefit and Compensation Summary attached to the April 15, 2010 memorandum to the Rules Committee from Mayor Chuck Reed is not applicable. Clarifications to the terms of compensation were discussed and approved during the City Council meeting of April 27, 2010, whereby the terms of compensation include the Executive Management and Professional Employees (Unit 99) benefits currently in effect which are all subject to change from time to time upon Council approval.

ADOPTED this 27th day of April, 2010, by the following vote:

AYES: CAMPOS, CHIRCO, CHU, HERRERA, KALRA, LICCARDO,
NGUYEN, PYLE; REED.

NOES: CONSTANT, OLIVERIO.

ABSENT: NONE.

DISQUALIFIED: NONE.

ATTEST:

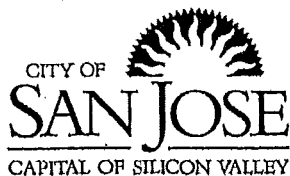


LEE PRICE, MMC
City Clerk



CHUCK REED
Mayor

COUNCIL AGENDA: 4-27-10
ITEM: 2.11



Memorandum

TO: RULES AND OPEN GOVERNMENT COMMITTEE **FROM:** Mayor Chuck Reed

SUBJECT: INDEPENDENT POLICE AUDITOR **DATE:** April 15, 2010
**COMPENSATION PACKAGE/
EMPLOYMENT AGREEMENT**

Approved

Chuck Reed

Date

4/15/10

RECOMMENDATION

Agendize the following for the April 27, 2010 City Council meeting:

Adopt a resolution appointing LaDoris Cordell for services as Independent Police Auditor for a term beginning May 17, 2010 and ending December 31, 2012 consistent with the following terms and the attachment.

BACKGROUND

Pursuant to the City Charter Section 809, each Appointee shall be for a term ending four (4) years from and after the date of expiration of the immediately preceding term. The previous Independent Police Auditor term expired December 31, 2008. The term for LaDoris Cordell will end December 31, 2012.

The major provisions of the proposed terms are summarized as follows:

- **Salary:** The starting bi-weekly salary will be \$6,507.76, which is equivalent to an annual amount of \$169,202. This salary is inclusive of any potential reductions, which would take effect at the new fiscal year.
- **Executive Management Benefits, Unit 99 Benefits, Health Care in-lieu and Compensation:** As executive management, the Appointee will receive the benefits that are included in the Executive Management (Unit 99) Benefit and Compensation Plan (see Attached Summary). This includes a \$350.00 monthly automobile allowance in accordance with the current policy and an option to receive payments in-lieu of health care coverage.
- **Vacation and Executive Leave:** The Appointee will accrue vacation and executive leave in accordance with Executive Management (Unit 99) accrual rates. Executive leave cannot be cashed out or carried over into the next calendar year under any circumstance. Vacation can continue to accrue up to twice the annual maximum.
- **Outside Employment:** The Appointee will not engage in outside employment without City Council approval.

**CITY OF SAN JOSE
EXECUTIVE MANAGEMENT AND PROFESSIONAL EMPLOYEES (UNIT 99)
BENEFIT & COMPENSATION SUMMARY
JULY 1, 2008 – JUNE 30, 2009**

SALARY

A general wage increase of 3.75%¹ will be effective June 29, 2008.

BILINGUAL PAY

An employee who is required to use a non-English language on a regular basis may be eligible to receive a bi-weekly payment of \$29 for oral only bilingual or \$40 per pay period for oral/written translation. Employee must be certified as bilingual by the Human Resources Department.

MANAGEMENT PERFORMANCE PROGRAM (MPP)

The Management Performance Program is an annual employee evaluation system that provides eligible employees performance based wage increases.

Each employee who is not already at the top of the salary range may be eligible to receive a performance based increase for the rating period. The MPP also provides that employees may receive up to forty (40) hours of additional executive leave.

Please refer to City Policy Manual (CPM) Section 3.3.2 for additional information.

PROFESSIONAL DEVELOPMENT PROGRAM (PDP)

Each eligible employee may be reimbursed for up to \$1000 per fiscal year (July 1 – June 30) for the purchase of textbooks required for an approved course, college accredited courses, non-college accredited courses, continuing education units, adult education classes, workshops, seminars, travel expenses, memberships in professional associations, professional licenses and professional certificates which are either related to and is beneficial for the work of the employee's current City position or occupation, must satisfy a continuing education requirement of the employee's current City position or occupation or must prepare the employee for advancement/promotion to positions of greater responsibility in the City that is within the employee's current trade or business.

A total of \$300 (of the \$1,000 annual maximum) may be reimbursed for professional materials that include professional books and professional magazine subscriptions, professional books to prepare for certifications or licensing, and other learning materials (learning/training software, videos, etc.) for educational purposes provided that the materials relate to and are beneficial for the work of the employee's current City position or occupation or are required of the employee's current City position or occupation.

Please refer to the City Policy Manual 4.3.2, Professional Development Program - Executive Management and Professional Employees (Unit 99) for additional information and requirements.

¹ Employees under the City Auditor's appointing authority shall be ineligible to receive the automatic general wage increase. Salary increases for these employees shall be based on performance.

Temporary employees are not eligible for this benefit, except employees in the Management Fellow classification.

PROFESSIONAL MEMBERSHIPS

Each employee is eligible for reimbursement for membership fees or dues paid for the maintenance of a license required to perform employee's job and for dues paid for membership in one (1) additional job-related professional association.

Temporary employees are not eligible for this benefit.

RETIREMENT

Full-time eligible employees are members of the Federated City Employees' Retirement System. Effective June 29, 2008, the City will contribute 23.56% of base salary to the employee's retirement fund, and the employee contributes 8.93% of base salary.

The Federated Retirement System provides eligible employees with a monthly allowance as well as medical and dental benefits dependent upon years of service. To be eligible to receive a monthly allowance, the employee must have a minimum of five (5) years of service in the Retirement System and be at least fifty-five (55) years of age. The Federated Retirement System provides eligible employees with medical benefits after fifteen (15) years of service and dental benefits after five (5) years of service; however, employees should refer to the Federated Handbook for specific rules and benefits. The monthly retirement allowance is based on the following formula:

$\text{Years of Service} \times 2.5\% \times \text{Final Compensation} = \text{Monthly Retirement Allowance.}$

The maximum retirement benefit a retiree may receive is 75% of their final compensation.

Note: Final Compensation is the highest average monthly salary during 12 consecutive months.

Part-time and temporary employees are not eligible for membership in the City's retirement system, but participate in the "PTC" plan in lieu of Social Security wherein the City and the employee each contribute 3.75% of gross income to a defined contribution retirement account.

RETIREE HEALTHCARE

The City Administration shall continue to review retiree healthcare during the FY 2008-2009 and may come forward to the City Council during the next fiscal year with recommendations. This may include changes to achieve full pre-funding and a second tier of retiree healthcare benefits for new hires.

DEFERRED COMPENSATION PLAN

To supplement retirement income, employees may put aside a percentage of gross taxable income up to a maximum set by Section 457 of the IRS code and have that money placed in investments on a tax-deferred basis.

Please contact Human Resources, Deferred Compensation Division for the current maximum amount that may be deferred.

Assets under this plan are available only upon retirement, separation from City service, or death. Additional contribution options are available to employees age fifty (50) and older and those within three (3) years of retirement.

HEALTH INSURANCE

Each employee may select from one of four available plans. The City pays 90% of the cost of the lowest priced plan for the employee or the employee and dependent coverage and the employee pays 10% of the premium for the lowest priced plan up to a maximum of \$150 per month.

Effective the first pay period of payroll calendar year 2009, the City pays 90% of the cost of the lowest priced plan for the employee or the employee and dependent coverage and the employee pays 10% of the premium for the lowest priced plan.

If the employee selects a plan other than the lowest priced plan, the employee pays the difference between the total cost of the selected plan and the City's contribution towards the lowest priced plan.

DENTAL INSURANCE

The City will provide dental insurance for eligible employees and their dependents in accordance with one of the two available plans. Both of these plans are described in detail in the City of San Jose Employee Benefits Handbook and in pamphlets available in the Human Resources Department.

For full-time employees, the City will pay 100% of the lowest priced plan for the employee or the employee and dependent coverage. For any other plan, the City will pay 95% for the employee or the employee and dependent coverage.

HEALTH AND DENTAL IN LIEU

The purpose of the payment-in-lieu of health and/or dental insurance program is to allow employees who have alternative health and/or dental insurance coverage to drop the City's insurance and receive a payment in lieu.

An employee may choose, during open enrollment or within thirty days of a qualifying event, to drop health and/or dental coverage and receive a payment in-lieu equal to one-half of the City's contribution toward health and/or dental coverage. To qualify, the employee must prove acceptable alternate group coverage and work 35+ hours/week.

FLEXIBLE SPENDING ACCOUNTS - MEDICAL/DEPENDENT CARE

The City participates in Dependent Care Assistance and Medical Reimbursement Programs. Under these programs, employees may put aside up to \$5000 in pre-tax income to pay for eligible dependent care and may set aside up to \$2500 in pre-tax income for eligible medical care.

LIFE INSURANCE

The City shall pay the full premium for employee coverage equal to two (2) times the employee's annual salary. Additional employee coverage equal to two (2) times the employee's annual salary, up to \$750,000 of total coverage, is available at employee cost. Dependent coverage is also available at employee cost. Coverage from \$2,000 up to \$10,000 for spouse and/or dependent children is available at employee cost.

Part-time and temporary employees are not eligible for this benefit.

OPTIONAL BENEFITS

Optional benefits are available for employee, spouse/domestic partner** and children at employee expense. These optional benefits include but are not limited to:

- Vision Insurance
- Personal Accident Insurance
- Long Term Care Insurance
- Commute Assistance Program

Please contact Human Resources for more information.

LONG-TERM DISABILITY

Employees have the option to purchase long-term disability insurance which will subsidize their income in the event of a non-work related injury or illness. The City does not participate in the State Disability Insurance plan. Therefore, if an employee suffers a non-work related injury or illness and is unable to work, the employee would not receive any City compensation.

The City offers employees a choice of two long-term disability plans, one with a 30-day waiting period and another with a 60-day waiting period. Employees must use accrued leave balances to receive compensation during the waiting period when using the long-term disability benefit.

Temporary employees are not eligible to purchase long-term disability insurance.

EMPLOYEE ASSISTANCE PROGRAM

The City recognizes that professional counseling is an important benefit to assist employees in resolving personal and family issues which may otherwise affect the employee's job performance and well being. Through the Employee Assistance Program (EAP), licensed counselors are available to help employees resolve issues and identify strategies for coping with difficult situations.

The City will provide up to five (5) counseling sessions per incident per fiscal year at no cost to the employee.

Part-time and temporary employees are not eligible for this benefit.

SUBSTANCE ABUSE PROGRAM

It is the policy of the City to maintain a safe, healthful and productive work environment for all employees. The City will act to eliminate any substance abuse which increases the potential for accidents, absenteeism, substandard performance, poor employee morale or tends to undermine public confidence in the City's workforce.

The Substance Abuse Policy prohibits employees from reporting to work under the influence of alcohol or drugs, exhibiting symptoms of alcohol or drug use, using, possessing, selling or providing drugs or alcohol while on duty, and employees shall not have the ability to work or be on paid standby when impaired as a result of the use of alcohol or drugs. Additionally, employees are required to notify their supervisor when any medication or drug they are taking could create an unsafe and dangerous situation. Employees may be requested to submit to a drug and/or alcohol analysis when there is reasonable suspicion that an employee is intoxicated or under the influence of drugs or alcohol.

The City offers self-referral and rehabilitation/treatment options for employees that may be experiencing a problem with alcohol and/or drug use. The City pays 70% of a first occurrence rehabilitation program and the employee pays 30% as approved by the Employee Assistance Program (EAP).

Please refer to City Policy Manual (CPM) Section 1.4.2 for the complete policy.

The Substance Abuse Policy applies to all employees; however, part-time and temporary employees are not eligible for the Employee Assistance Program benefit.

HOLIDAYS

Full-time employees receive fourteen (14) paid holidays which include:

New Years Day	Columbus Day
Martin Luther King Day	Veterans Day
Presidents' Day	Thanksgiving Day
Cesar Chavez Day	Day After Thanksgiving
Memorial Day	Christmas Eve Day
Independence Day	Christmas Day
Labor Day	New Years Eve Day

VACATION

Vacation accrues at the following rates for each paid hour (either worked or paid absence):

Years of Service	Hourly Rate	Annual Hourly Accrual (Full Time)
1 - 5	.05875	120 hours
6 - 14	.07750	160 hours
15+	.09625	200 hours

Employees may only accrue vacation up to a maximum of two (2) times their annual accrual rate. Once an employee reaches their maximum accrued vacation limit, the employee will not accrue vacation until their vacation balance falls below the maximum limit.

Years of Service

1 - 5

6 - 14

15+

Maximum Accrued Vacation

240 hours

320 hours

400 hours

VACATION SELLBACK

Employees may elect to sell back vacation up to four (4) times per calendar year, not more than once per quarter, for a maximum sell back of one hundred twenty (120) hours of accrued vacation per year.

EXECUTIVE LEAVE*

Executive leave is a benefit awarded as hours/days off, up to a maximum of forty (40) hours/ five (5) days during a payroll calendar year. Executive Leave is not an accrued benefit and unused leave does not carry over from year to year.

The Management Performance Program (MPP) provides that employees may receive up to forty (40) hours of additional executive leave.

When an employee is hired into a position eligible for executive leave, the leave may be prorated during the first year dependent upon the hire date.

Please refer to CPM section 4.2.4 and 3.3.2 for complete policy guidelines.

SICK LEAVE

Paid sick leave accrues at a rate of .04616 for each paid hour (either worked or paid absence). For a full-time employee, this equals approximately one (1) day per month. Accrued sick leave may be used for the care related to the illness or injury of employee's child, mother, father, spouse, or domestic partner**.

Up to a total of forty-eight (48) hours of accrued sick leave per calendar year may be utilized if the employee is required to be absent for the care related to the illness or injury of the employee's grandchild, brother, sister, father-in-law, mother-in-law, step-father, step-mother, or step-child.

SICK LEAVE PAYOUT

Members of the Federated Retirement System who retire with at least fifteen (15) years of service are eligible to receive, upon retirement, payout for a portion of their unused earned sick leave at the rate of:

Accrued Sick Leave Hours

0 - 399 Hours

400 - 799 Hours

800 - 1,200 Hours

Sick Leave Payout

50% of final hourly rate

60% of final hourly rate

75% of final hourly rate

If employee's balance is greater than 1,200 hours, employee is also eligible for a payout of 75% of the value of sick leave in excess of 1,200 hours that is earned but unused during the two (2) years prior to retirement.

Part-time and temporary employees are not eligible for this benefit.

MILITARY LEAVE

Persons employed by the City engaging in active military duty for training or other purposes may be provided paid military leave for up to thirty (30) calendar days per fiscal year. In addition, under certain circumstances the City may provide Supplemental Salary and benefits for eligible employees. Please refer to CPM Section 4.2.2 for additional information.

DISABILITY LEAVE

If required to be absent from work due to a work related illness or injury, employees may receive a supplement which, when added to the Workers' Compensation Temporary Disability, equals 85% of the employees' base salary, up to a maximum of nine (9) months (274 days or 1560 hours if used intermittently).

Part-time and temporary employees are not eligible for this benefit.

LEAVES OF ABSENCE

Unpaid leaves of absence may be granted for up to twelve (12) months, with possible extension of up to six (6) months. (Employees on unpaid leave may continue their Insurance benefits by paying full premiums.) Please refer to CPM Section 4.2.1 for program details.

BEREAVEMENT LEAVE

Each full-time or benefited part-time employee shall be granted bereavement leave with full pay for up to forty (40) hours to attend to the customary obligations arising from the death of any of the following relatives of such employee or employee's spouse or employee's domestic partner.**

All leave must be used within fourteen (14) calendar days following the death of an eligible person. Under extreme circumstances, the fourteen (14) day requirement may be waived by the Director of Employee Relations. The decision of the Director of Employee Relations shall be final with no process for further appeal.

- Parent/Step parent
- Spouse/Domestic partner**
- Child/Step child
- Brother/Sister
- Step Brother/Step Sister
- Half Brother/Half Sister
- Grandparent/Step-grandparent
- Grandchild
- Great grandparent

- Son/daughter in-law
- Brother/sister in-law

TIME DONATION PROGRAMS

The City has Time Donation Programs, which allow employees to donate accrued vacation to fellow employees under special circumstances. An employee must meet the criteria established under the Time Donation Policy to receive time donations.

Please refer to CPM Section 4.2.10 for additional information.

** Reimbursement/contribution is prorated for part-time employees based on hours scheduled:*

- 30 – 39 hours = 75%
- 25 – 29 hours = 62.5%
- 20 – 24 hours = 50%
- Less than 20 hours = none

***A domestic partner, as referenced in sections above, must be the domestic partner registered with the Human Resources Department.*